

IN THE DRAWINGS:

The attached replacement sheets include changes to FIGs. 1, 2, and 3. The replacement sheet containing FIGs. 1, 2, and 3 replace the original sheets including FIGs. 1, 2, and 3. In the replacement sheet labeled FIG. 1, we changed “first soft encoder 132” to “first soft decoder 132,” and “second soft encoder 133” to “second soft decoder 133.” In the replacement sheet labeled FIG. 2, we changed “first soft encoder 232” to “first soft decoder 232,” and second soft encoder 234” to “second soft decoder 234.” In the replacement sheet labeled FIG. 3, we changed “first soft encoder 332” to “first soft decoder 332” and “second soft encoder 334” to second soft decoder 334.”

Support for the replacement sheet labeled FIG. 1 can be found at page 6, paragraph [0028]. Support for the replacement sheet labeled FIG. 2 can be found at page 7, paragraph [0033]. Support for the replacement sheet labeled FIG. 3 can be found at page 8, paragraph [0037].

REMARKS

In accordance with the foregoing, the amendment has been corrected so that each section of the amendment starts on a page by itself, in order to overcome the Notice of Non-Compliant Amendment mailed on July 24, 2007. Pursuant to 37 C.F.R. §1.121, only the corrected sections of the amendment filed on July 19, 2007 are submitted in this supplemental amendment. Thus, the replacement sheets for FIGs. 1, 2, and 3 are not included in this supplemental amendment.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Group II, claims 7-12, 28-33 and 44** in response to the preliminary restriction requirement set forth in the Office Action.

II. The Group III Claims Are Directed Towards Statutory Subject Matter

It is respectfully submitted that the Examiner is incorrect in arguing that the Group III claims are directed towards nonstatutory subject matter. The Examiner argues that "claims 13-21, 34-42 and 45 are drawn to non-statutory subject matter a transmission channel," and since "paragraph [0003] on page 1 teaches that a transmission channel can be a spatial medium, which is non-statutory since it is a natural phenomena," the Group III claims are drawn to non-statutory subject matter.

Regarding claims 13-21, which are directed towards an encoding and decoding apparatus, it is respectfully submitted that these claims are drawn towards statutory subject matter. MPEP 2106(IV)(c) states: "while abstract ideas, natural phenomena, and laws of nature are not eligible for patenting, methods and products employing abstract ideas, natural phenomena, and laws of nature to perform a real-world function may be. In evaluating whether a claim meets the requirements of section 101, the claim must be considered as a whole to determine whether it is for a particular application of an abstract idea, natural phenomenon, or law of nature, and not for the abstract idea, natural phenomenon, or law of nature itself." The inventions recited by claims 13-21 each perform real-world functions of encoding and decoding data. The Examiner has not considered these claims as a whole, but rather has singled out one element of these claims, i.e., a transmission channel, and ignored the other elements of the claims, such as, for example, the first soft encoder, the second soft encoder, the first soft decoder, and the second soft decoder recited in claim 13, which each correspond to statutory

subject matter. It is respectfully submitted that when claims 13-21 are considered as a whole, these claims should be classified as statutory subject matter. Accordingly, the classification of these claims as non-statutory should be withdrawn.

Regarding claims 34-42 and 45, which are respectively directed towards an encoding and decoding method and a computer readable medium storing a computer program to execute an encoding and decoding method, it is respectfully submitted that these claims are also drawn towards statutory subject matter. Claims 34-42 and 45 do not specifically recite a “transmission channel” as an element of the claims. Claim 34 recites: “An encoding and decoding method, comprising...soft-decoding data input through a transmission channel...,” and claim 45 recites: “a computer readable readable medium storing a computer program to execute an encoding and decoding method, comprising...soft-decoding data input through a transmission channel...” The Examiner is incorrectly classifying claims 34-42 and 45 as nonstatutory simply because these claims recite that data is input through a transmission channel, even though these claims as a whole are drawn towards methods and computer programs which perform the real-world functions of encoding and decoding data. If the Examiner’s reasoning were correct, then any claim reciting any natural phenomenon could be classified as nonstatutory subject matter, regardless of whether the overall claim is directed towards statutory subject matter. As MPEP 2106(IV)(c) explains, the Examiner’s reasoning in this case is impermissible. Therefore, it is respectfully requested that the Examiner re-classify claims 13-21, 34-42, and 45 as claims drawn towards statutory subject matter.

III. Conclusion

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.


If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 503333.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 8/7/07

By: 
Michael D. Stein
Registration No. 37,240

1400 Eye St., NW., Ste 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510